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8/31/09.

**STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
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Telephone (505) 827-5800
www.ped.state.nm.us**

DR. VERONICA C. GARCIA
SECRETARY OF EDUCATION

BILL RICHARDSON
Governor

August 31, 2009

Dr. Jon Cohen
Vice President and Director of Assessment
American Institutes for Research
1000 Thomas Jefferson Street NW
Washington, DC 20007-3835

Dear Dr. Cohen:

The PED received student test data files for the New Mexico Alternate Performance Assessment that contained two sets of data errors produced by AIR in the most recent reporting cycle. In the first instance, on or about July 10, 2009, the PED received a data file that contained miscodes for test completion status. This substantial error resulted in miscalculations in student proficiency rates. That is, students were included in calculations when they should have been excluded, and they were excluded from calculations when they should have been included. PED staff was informed of the errors by Dr. Werner Wothke, and PED staff applied corrections to the data and recalculated proficiency rates. The impact of the data corrections was substantial, with the percentage of students scoring proficient and above in the Students with Disabilities subgroup increasing by as much as seven percentage points at the district level.

In the second instance, on Friday, August 21, 2009, the PED received notification from Dr. Werner Wothke that the student test data file that was delivered to the PED by AIR on July 10, 2009, contained additional coding errors for test completion status for 77 students. These data affected AYP calculations in eight schools across the state. AYP calculations at the subgroup and overall will be changed for the following 10 schools:

De Vargas Middle School (Santa Fe Public Schools)
La Academia de Esperanza (Albuquerque Public Schools)
Cibola High School (Albuquerque Public Schools)
Rio Rancho Elementary School (Rio Rancho Public Schools)
Hayes Middle School (Albuquerque Public Schools)
Shiprock High School (Central Consolidated Schools)
Puesta del Sol Elementary School (Rio Rancho Public Schools)

This second set of corrections will require that PED staff and contractors again reanalyze the data and produce corrected reports.

The student test data from the New Mexico Alternate Performance Assessment is an important source of student test score information that was used by the PED to determine the adequate yearly progress of district schools, charter schools, State education institutions, and U.S. Bureau of Indian Education Schools. The data was also used to calculate Achievement Gap statistics, an important report on the performance of New Mexico's race and ethnicity subgroups and program subgroups. The results of these analyses were communicated in a press conference by State

Secretary of Education García, they were published by media statewide, released in hardcopy reports, posted on the PED website, and had been prepared for submission to the federal government in a major data collection. Rework of this data has compromised a number of production deadlines and burdened our staff that is already challenged by a demanding workload. Further, schools sent letters to parents regarding AYP determinations and their right to choose their child's school based on those determinations.

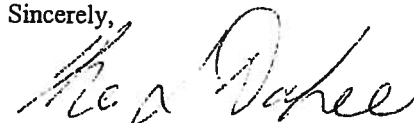
Though we appreciate full disclosure of errors in any deliverable associated with the New Mexico Alternate Performance Assessment, the timing of error discovery and disclosure and the exposure to multiple disclosures has been particularly disruptive and costly. By the time full recovery from these errors is achieved, PED professional staff will have dedicated an estimated 140 hours in evaluating the impact of the errors, preparing corrected data sets for analysis, reanalyzing data for the Achievement Gap and Adequate Yearly Progress, and preparing new reports, tables, graphs, and PowerPoint slides. Additionally, it is estimated that contractor costs for preparing corrected data for analysis and reanalyzing data will exceed \$20,000. Additionally, the PED must replace its supply of 200-page hard copy color reports on AYP and the Achievement Gap for distribution to stakeholders.

Please recall that the contract requires delivery of data without Contractor production errors and you provided assurances prior to the delivery of this year's data that a number of quality checks, including test completion codes, would be performed to avoid errors that have occurred in data files in prior years. Section 4b, Attachment 3-A of the Scope of Work in Contract Amendment Number 3 specifies that "failure to meet delivery deadlines and data accuracy requirements for the student pass/fail test data file shall result in a penalty of \$2,500 per day for the first five days, and increasing to \$5,000 per day thereafter (including weekends)." The computation of the penalty from July 10, 2009 until the date that the corrected data shall be submitted to the PED already exceeds the maximum penalty allowed under the contract amendment. Contract Amendment Number 3, Attachment 3-A specifies that "any penalties assessed against the Contractor pursuant to the terms of this amendment shall not exceed \$25,000 in total." Therefore, the Agency is assessing a penalty of \$25,000 for said Contractor production errors. Given the expenditure of agency and contractor resources, this amount now seems seriously inadequate.

PED expects that the data will be corrected and submitted to the PED no later than September 8, 2009, so the PED and its contractors can perform a second round of calculations and AYP determinations so Secretary García can certify final AYP results on September 11, 2009. The school districts and the public will be astonished to learn that their AYP results were affected by data file errors. Secretary García expects AIR to issue a written apology in the form of letters to each Superintendents affected by the data errors.

Please submit a check in the amount of \$25,000 to the Assessment and Accountability Division of the PED for this penalty. We expect that AIR will make every effort to avoid future compromises of data quality.

Sincerely,



Tom Dauphinee, PhD, Interim Supervisor
Assessment and Accountability Division

cc: Dr. Veronica C. García, Secretary of Education
Dr. Catherine Cross Maple, Deputy Secretary, Learning and Accountability
Dr. Sheila Hyde, Assistant Secretary Quality Assurance and Systems Integration
Beverly Friedman, Public Information Officer
Dr. Cindy Gregory, Chief Statistician, Academic Growth and Analysis
Robert Piro, Chief Information Officer
Select PED Staff



District Name	School Name	TTest Completior	READTC	Reading
WEST LAS VEGAS PUBL	W LAS VEGAS HIG	0	0	0543
ALBUQUERQUE PUBLIC	JOHN ADAMS MIDD	0	0	0435
ALBUQUERQUE PUBLIC	SANDIA HIGH	0	0	0498
SANTA FE PUBLIC SCH	DE VARGAS MIDDL	0	0	0646
SANTA FE PUBLIC SCH	DE VARGAS MIDDL	0	0	0998
SANTA FE PUBLIC SCH	ACADEMY FOR TEC	0	0	0585
WEST LAS VEGAS PUBL	W LAS VEGAS HIG	0	0	0485
ALBUQUERQUE PUBLIC	JOHN ADAMS MIDD	0	0	0476
SANTA FE PUBLIC SCH	DE VARGAS MIDDL	0	0	0464
ALBUQUERQUE PUBLIC	VALLEY HIGH	0	0	0543
RIO RANCHO PUBLIC S	PUESTA DEL SOL	0	0	0448
ALAMOGORDO PUBLIC S	MOUNTAIN VIEW M	0	0	0560
LOS ALAMOS PUBLIC S	CHAMISA ELEMENT	0	0	0523
ALBUQUERQUE PUBLIC	DEL NORTE HIGH	0	0	0478
ALBUQUERQUE PUBLIC	LA ACADEMIA DE	0	0	0543
SANTA FE PUBLIC SCH	DE VARGAS MIDDL	4	3	0996
ALBUQUERQUE PUBLIC	LA ACADEMIA DE	4	3	0996
ALBUQUERQUE PUBLIC	CIBOLA HIGH	4	3	0996
SANTA FE PUBLIC SCH	DE VARGAS MIDDL	4	3	0996
SANTA FE PUBLIC SCH	DE VARGAS MIDDL	4	3	0996
SANTA FE PUBLIC SCH	DE VARGAS MIDDL	4	3	0996
RIO RANCHO PUBLIC S	RIO RANCHO ELEM	4	3	0996
ALBUQUERQUE PUBLIC	HAYES MIDDLE <i>X new</i>	4	3	0996
SANTA FE PUBLIC SCH	DE VARGAS MIDDL	4	3	0996
CENTRAL CONSOLIDATE	SHIPROCK HIGH	4	3	0996
FARMINGTON MUNICIPA	FARMINGTON HIGH	4	3	0996
RIO RANCHO PUBLIC S	PUESTA DEL SOL	5	4	0996
ALBUQUERQUE PUBLIC	HAYES MIDDLE	6	5	0996
RIO RANCHO PUBLIC S	RIO RANCHO MID	6	5	0996
SOCORRO CONSOLIDATE	R. SARRACINO MI	6	5	0996
ALBUQUERQUE PUBLIC	MC KINLEY MIDDL	6	5	0996
ALBUQUERQUE PUBLIC	MC KINLEY MIDDL	6	5	0996
FARMINGTON MUNICIPA	HEIGHTS MIDDLE	6	5	0996
ALBUQUERQUE PUBLIC	HAYES MIDDLE	6	5	0996
ALBUQUERQUE PUBLIC	VALLEY HIGH	6	5	0996
RIO RANCHO PUBLIC S	ENCHANTED HILLS	6	5	0996
ALBUQUERQUE PUBLIC	EUBANK ELEMENTA	6	5	0996
ALBUQUERQUE PUBLIC	VALLEY HIGH	6	5	0996
ALBUQUERQUE PUBLIC	ATRISCO ELEMENT	6	5	0996
ALBUQUERQUE PUBLIC	MANZANO HIGH	6	5	0996
WEST LAS VEGAS PUBL	W LAS VEGAS HIG	6	5	0996
WEST LAS VEGAS PUBL	W LAS VEGAS HIG	6	5	0996
WEST LAS VEGAS PUBL	W LAS VEGAS HIG	6	5	0996

Math

District Name	School Name	MATHAYP	MATHAIR	MATHSS
RATON PUBLIC SCHOOL	RATON HIGH	0	0	0522
LOS ALAMOS PUBLIC S	CHAMISA ELEMENT	0	0	0998
ALAMOGORDO PUBLIC S	MOUNTAIN VIEW M	0	0	0536
SANTA FE PUBLIC SCH	DE VARGAS MIDDLE	0	0	0416
RIO RANCHO PUBLIC S	PUESTA DEL SOL	0	0	0477
ALBUQUERQUE PUBLIC	SANDIA HIGH	0	0	0999
SANTA FE PUBLIC SCH	ACADEMY FOR TEC	0	0	0553
WEST LAS VEGAS PUBL	W LAS VEGAS HIG	0	0	0998
SANTA FE PUBLIC SCH	DE VARGAS MIDDLE	0	0	0506
WEST LAS VEGAS PUBL	W LAS VEGAS HIG	0	0	0998
ALBUQUERQUE PUBLIC	HAYES MIDDLE	4	3	0996
ALBUQUERQUE PUBLIC	LA ACADEMIA DE	4	3	0996
ALBUQUERQUE PUBLIC	CIBOLA HIGH	4	3	0996
SANTA FE PUBLIC SCH	DE VARGAS MIDDLE	4	3	0996
FARMINGTON MUNICIPA	FARMINGTON HIGH	4	3	0996
SANTA FE PUBLIC SCH	DE VARGAS MIDDLE	4	3	0996
SANTA FE PUBLIC SCH	DE VARGAS MIDDLE	4	3	0996
SANTA FE PUBLIC SCH	DE VARGAS MIDDLE	4	3	0996
RIO RANCHO PUBLIC S	RIO RANCHO ELEM	4	3	0996
SANTA FE PUBLIC SCH	DE VARGAS MIDDLE	4	3	0996
CENTRAL CONSOLIDATE	SHIPROCK HIGH	4	3	0996
SANTA FE PUBLIC SCH	DE VARGAS MIDDLE	4	3	0996
RIO RANCHO PUBLIC S	PUESTA DEL SOL	5	4	0996
ALBUQUERQUE PUBLIC	JOHN ADAMS MIDDLE	6	5	0996
RIO RANCHO PUBLIC S	RIO RANCHO MID	6	5	0996
ALBUQUERQUE PUBLIC	MC KINLEY MIDDLE	6	5	0996
ALBUQUERQUE PUBLIC	JOHN ADAMS MIDDLE	6	5	0996
GRANTS-CIBOLA COUNT	MESA VIEW ELEME	6	5	0996
SOCORRO CONSOLIDATE	R. SARRACINO MI	6	5	0996
ALBUQUERQUE PUBLIC	HAYES MIDDLE	6	5	0996
ALBUQUERQUE PUBLIC	MC KINLEY MIDDLE	6	5	0996
ALBUQUERQUE PUBLIC	LA ACADEMIA DE	6	5	0996
FARMINGTON MUNICIPA	HEIGHTS MIDDLE	6	5	0996
ALBUQUERQUE PUBLIC	HAYES MIDDLE	6	5	0996
ALBUQUERQUE PUBLIC	VALLEY HIGH	6	5	0996
RIO RANCHO PUBLIC S	ENCHANTED HILLS	6	5	0996
ALBUQUERQUE PUBLIC	DEL NORTE HIGH	6	5	0996
ALBUQUERQUE PUBLIC	EUBANK ELEMENTA	6	5	0996
ALBUQUERQUE PUBLIC	VALLEY HIGH	6	5	0996
ALBUQUERQUE PUBLIC	ATRISCO ELEMENT	6	5	0996
ALBUQUERQUE PUBLIC	MANZANO HIGH	6	5	0996
WEST LAS VEGAS PUBL	W LAS VEGAS HIG	6	5	0996
WEST LAS VEGAS PUBL	W LAS VEGAS HIG	6	5	0996



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DR. VERONICA C. GARCÍA
SECRETARY OF EDUCATION

BILL RICHARDSON
Governor

April 7, 2010

Martin Borg
President
Measured Progress
100 Education Way
Dover, NH 03820

Dear Mr. Borg:

New Mexico school districts received test materials for the spring 2010 administration of the Standards Based Assessment (SBA) that contained a number of significant errors. These errors disrupted the administration of the SBA and caused considerable dismay and frustration among students and test administrators statewide. The PED is imposing a penalty for these errors, as the contract provides.

Directions for Administration in English Grade 5 SBA in Writing, English Grade 5 Mathematics, English Grade 6 Science, English Grade 7 Mathematics, English Grade 11 Science (two sessions), and Spanish Grade 4 Writing all contained errors directing students to the wrong pages to continue the test. Directions for Administration errors were first reported by Albuquerque Public Schools on March 23, 2010. Staff members from the Assessment and Evaluation Bureau of the PED and from the New Mexico Project staff at Measured Progress gathered information on errors and published a correction notice to districts on March 25, 2010, early in the SBA testing window. In order to correct the effects of these errors, test administrators read scripts directing students to the correct pages of the SBA. Altogether, an estimated 4,660 test administrators adjusted procedures to communicate these changes to an estimated 116,500 students statewide.

The Grade 4 Spanish SBA in Math contained an item without a correct response option (Form 2, Item 22). This error, reportedly attributed to desktop publishing, affected an estimated 850 test booklets. The error was reported by Bernalillo Public Schools on March 30, 2010. On April 1, 2010, the PED and Measured Progress notified school districts statewide of the error and assured the districts that students who attempted the item would be scored as if they answered that item correctly.

Grade 5 English SBA answer documents for Form 2 contained out of order pages in 16 documents distributed in 6 districts, Albuquerque Public Schools, Clovis Municipal Schools, Dulce Independent Schools, Los Alamos Public Schools, West Las Vegas Public Schools, and Rio Rancho Public Schools. These out of order pages affected the administration of two sessions in Reading and two sessions in Science. Rio Rancho Public Schools first reported the error on March 24, 2010. The PED reported the error to Measured Progress and an investigation was conducted to determine the statewide scope of the error. Measured Progress staff used serial numbers and distribution records to identify schools that potentially received faulty answer documents. Measured Progress contacted the identified school districts to alert them to the error on March 30, 2010.

The Grade 8 English SBA in Math (p. 63) contained a multi-part constructed response question with an extra letter "D" in the left margin covered with white tape. This tape was deliberately applied during the production process

after the tests were printed and bound. Measured Progress explained that the extra letter that should not have appeared and was therefore covered. Unfortunately, in order to ship the test booklets to districts on time to allow inventory and redistribution of materials to schools, it was not possible to completely replace all the eighth grade English test booklets with new booklets with the correction.

One test booklet for the Grade 8 English SBA in Science was missing pages 115 through 122. Dulce Independent Schools reported the error, and after consultation with Measured Progress on the same day, replaced the booklet with another on hand.

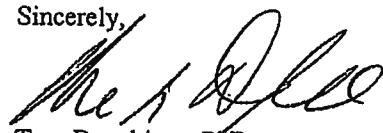
Though we appreciated full cooperation of Measured Progress in investigating errors and preparing correction notices for school districts, the errors were decidedly disruptive to the administration of the SBA. The PED received complaints from school districts regarding the scope and number of errors. Districts and schools dedicated precious staff time to identify and report errors, check test materials, and execute corrective measures. Test Administrators and Coordinators are heavily overburdened during the SBA administration window, and disruptions due to these errors caused great frustration. The PED seldom receives complaints from students when errors occur. However, we did during this administration. Students find such errors distracting, confusing, anxiety provoking, and frustrating, adding to the stress of testing and potentially compromising their performance. Experiences such as this often lead students to question the purpose and value of testing in general. The PED is placed in the difficult position of defending testing to guide instruction and support school accountability reporting, purposes that are somewhat abstract for some students.

Please recall that the contract requires delivery of test materials without Contractor production errors. Section 1b, vii in Attachment 1-A of the Scope of Work in the Contract specifies that "failure to meet that standard in production and delivery of all assessment materials to any school district, charter school, State educational institutions, and U.S. Bureau of Indian Education schools shall result in a penalty of \$2,500 per day for the first five days, and increasing to \$5,000 per day thereafter (including weekends) until the correct materials are received." The computation of a penalty from the date errors were reported until the date that a remedy was provided in the instance of out of order answer documents, the longest period from report to remedy. The penalty for that production error totals \$22,500. Therefore, the PED is assessing a penalty of \$22,500.

PED expects that appropriate scoring procedures will be implemented to correct the aforementioned item errors such that students will not be penalized for the said errors.

Please submit a check in the amount of \$22,500 to the Assessment and Accountability Division of the PED for this penalty. The PED is planning a debriefing meeting with districts after the end of the 2010 SBA test window to provide districts and the PED opportunity to express concerns regarding all aspects of ordering, production, delivery, return shipment, and reporting of the SBA and New Mexico High School Competency Exam (NMHSCE). We expect that Measured Progress and subcontractor staff representing all organization divisions supporting those services will be present at that meeting in New Mexico. We further expect that Measured Progress and its subcontractors will make every effort to avoid future errors in the production and distribution of the SBA and NMHSCE.

Sincerely,



Tom Dauphinee, PhD
Interim Supervisor
Assessment and Accountability Division

cc: Dr. Veronica C. García, Secretary of Education
Dr. Catherine Cross Maple, Deputy Secretary of Learning and Accountability
Beverly Friedman, Public Information Officer
Select PED Staff



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**HANNA SKANDERA
SECRETARY OF EDUCATION**

**SUSANA MARTINEZ
GOVERNOR**

September 13, 2011

Mr. Martin Borg
President
Measured Progress
100 Education Way
Dover, NH 03820

Dear Mr. Borg,

New Mexico school districts recently received hardcopy Student Reports for Parents from the 2011 Standards Based Assessment (SBA), and some student results in those reports contained errors. Those errors caused confusion and concern among teachers and administrators, and they delayed delivery of test results to parents more than 30 days. The PED is imposing a penalty for these errors under the terms of the contract.

An estimated 10% of the hardcopy SBA Student Reports to Parents shipped to districts contained errors in the section titled, "A Closer Look at Your Child's Performance." In those reports, the performance indicators for Reporting Categories were printed with the wrong symbols.

On August 19, 2011, the PED received a report of discrepancies between hardcopy and online versions of the Student Report to Parents from the Alamogordo Public Schools. Discrepancies were in grade 6 reports in math. The PED immediately reported the finding to your company. Alamogordo contacted your company to report the errors on August 22, 2011. In response to Measured Progress' request, the Alamogordo schools returned all hardcopy Student Reports to Parents for examination. Your staff began investigating online reports, data files, and printing processes as potential sources of errors. On August 23, 2011, the PED received a preliminary report on the scope of the problem. Your staff verified that all PDF versions of the reports and the data files were accurate, and it appeared that errors were only in shipped hardcopy reports. On August 24, 2011, the PED directed the New Mexico Program staff to alert 14 school districts with scores from the same source file as Alamogordo about potential reporting errors. Your staff recommended that those districts not send Parent Reports until additional information about errors was available. The PED contacted four school districts, requesting their assistance in identifying errors. On August 25, 2011, Belen Consolidated Schools identified a small number of errors in math in grades 3, 5, and 6 from a sample of reports. Your staff also identified errors in math in those grades from internal sources. Under direction from the PED, the New Mexico Project staff sent an email message to district and administrators statewide explaining the errors and the accuracy of other scores,

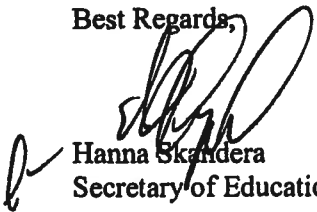
recommending that reports not be sent to parents, committing to replace defective reports, providing assurances for a rapid resolution, and providing a contact number to answer questions. On August 29, 2011, your staff's investigation into the scope and source of errors was still underway. Your staff did not have an estimated time for determining the scope of the problem, though they offered to print corrected Student Reports to Parents for all tested students and ship them to districts by September 2, 2011. The PED directed your staff to print and ship the corrected reports.

Though we appreciated full cooperation from the New Mexico Project staff in investigating errors, sending notices to school districts, and printing and shipping corrected reports, the errors disrupted timely delivery of important student performance information to parents. Districts dedicated a substantial share of staff time to identifying and collecting defective reports, return shipping those to Measured Progress, and distributing corrected reports. They were required to do so while being exceedingly busy with a new school year. School districts also raised concerns about the integrity of the SBA Online Data Reporting System that was introduced in 2011. Though this system was not at fault for these errors, the incident reignited concerns that delayed its adoption a year and a half ago. It was also disconcerting that the source of the errors remained unidentified at the time of this letter. Lacking information about the source of the problem prevented replacement of defective reports only. As a result, school districts were required to twice handle reports for an estimated 171, 244 students, instead of redistributing reports for one-tenth of that number.

Please recall that the contract requires delivery of test score reports no later than August 1 without Contractor production errors. Your staff stated that the last corrected Student Reports to Parents were delivered to districts on September 6, 2011. Section 1b, xiv in Attachment 1-A of the Scope of Work in the Contract specifies that "failure to meet delivery deadlines and the accuracy standard for the district, school and student score reports shall result in a penalty of \$2,500 per day for the first five days, and increasing to \$5,000 per day thereafter (including weekends and holidays) until correct reports are received." The computation of a penalty from the date accurate reports were due and the date corrected reports were received by all districts is \$172,500. However, section 1g, v in Attachment 1-A of the Scope of Work specifies, "Penalties assessed against the Contractor pursuant to the terms of the Agreement shall not exceed \$150,000 in any fiscal year while the agreement is in effect." Therefore, the PED is assessing a penalty of \$150,000.

Please submit a payment in the amount of \$150,000 to the Assessment and Accountability Division of the PED for this penalty. I expect a report on the error and results of the investigation, with a corrective action plan for preventing similar production errors in the future. I further expect that Measured Progress and its subcontractors will make every effort to avoid future errors in the production and distribution of the SBA.

Best Regards,



Hanna Skandera
Secretary of Education-designate

HS/TD

Cc: Cathie Carothers, Deputy Secretary of Policy and Indian Education
Dr. Pete Goldschmidt, Director of Assessment and Accountability
Dr. Tom Dauphinee, Deputy Director of Assessment and Accountability
Willie Brown, General Counsel